

DEPARTMENT OF PLANNING  
STAFF REPORT

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**PLANNING COMMISSION PUBLIC HEARING**

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**DATE OF HEARING:** July 16, 2009  
**ZRTD 2009-0001, Fairway Park, Lot 1C**  
**DECISION DEADLINE:** August 8, 2009

**ELECTION DISTRICT:** Dulles

**PROJECT PLANNER:** Ginny Rowen

**EXECUTIVE SUMMARY**

Fairway Park Lot C-1, LLC of New Haven, Connecticut has submitted an application to rezone approximately 32 acres from the PD-OP (Planned Development – Office Park) zoning district under the 1993 Zoning Ordinance to the PD-OP (Planned Development – Office Park) zoning district under the Revised 1993 Zoning Ordinance in order to permit the development of all principal and accessory uses permitted in the PD-OP zoning district. The property is located on the southeast corner of Loudoun County Parkway and Waxpool Road. The area is governed by the policies of the Revised General Plan (Suburban Policy Area - Sterling Community), which designate this area for Keynote Employment development and which recommend a Floor Area Ratio (FAR) of up to 1.0. **Staff notes that the application has been advertised for the July 28, 2009 Board public hearing.**

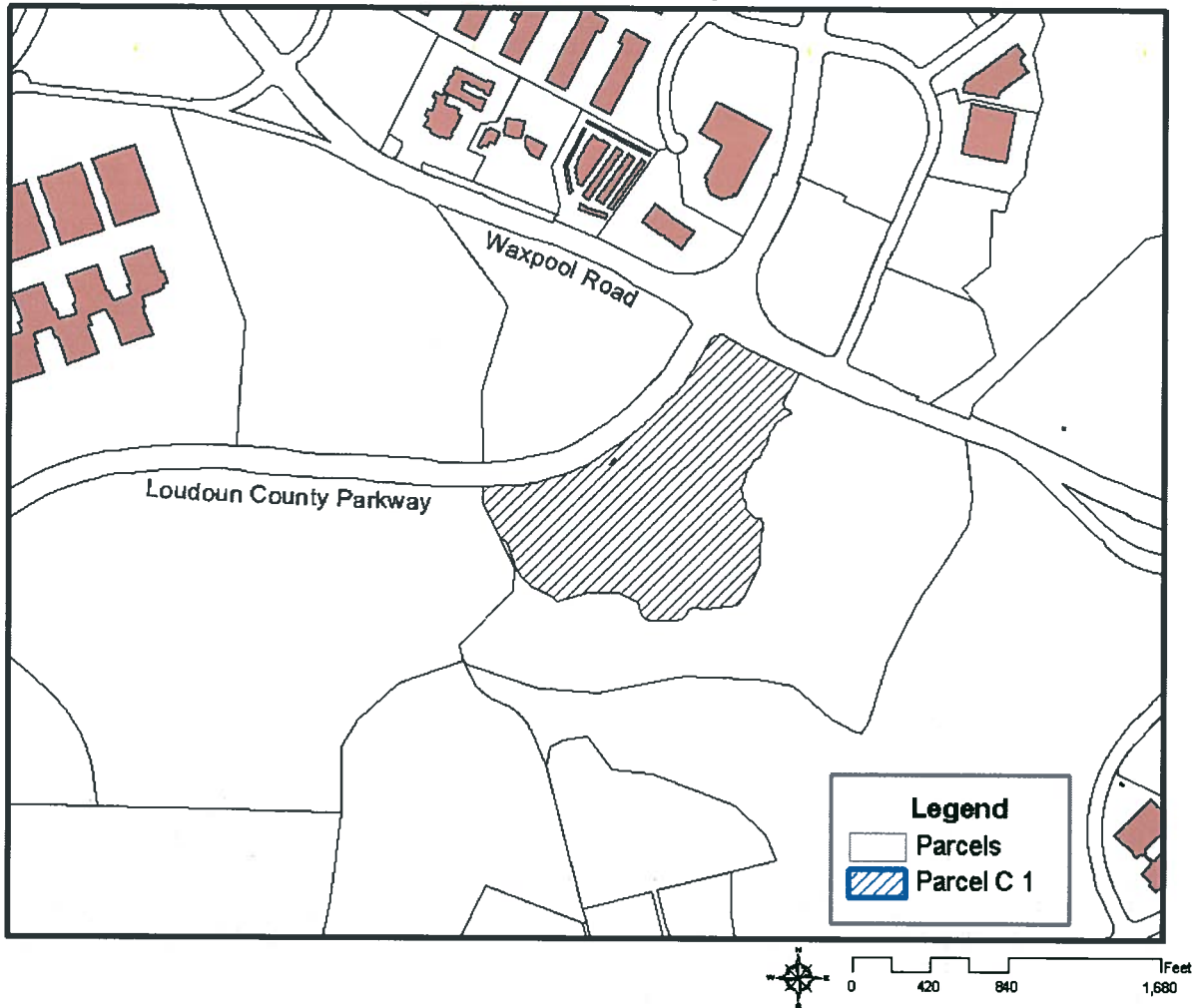
**RECOMMENDATIONS**

The application is consistent with the comprehensive plan policies and staff recommends approval of the proposal.

**SUGGESTED MOTIONS**

1. I move that the Planning Commission forward ZRTD 2009-0001, Fairway Park, Lot C-1, to the Board of Supervisors with a recommendation of approval, subject to the draft Proffer Statement dated June 26, 2009, and with the Findings contained in the July 16, 2009 Staff Report.
2. I move that the Planning Commission forward ZRTD 2009-0001, Fairway Park, Lot C-1, to a work session for further discussion.
3. I move that the Planning Commission forward ZRTD 2009-0001, Fairway Park, Lot C-1 to the Board of Supervisors with a recommendation of denial based on the following findings:

## Vicinity Map



**Directions from Leesburg:** Proceed east on Route 7 to Route 28. Make a right onto Route 28 and proceed south to Waxpool Road. Proceed west on Waxpool Road to the subject site on the southeast corner of Waxpool Road and Loudoun County Parkway.

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## I. APPLICATION INFORMATION

**APPLICANT:** Fairway Park, Lot C-1  
1 Columbus Plaza  
New Haven, CT 06510

**REPRESENTATIVE:** Sack Harris & Martin, PC  
Keith Martin, Esquire  
8270 Greensboro Drive, Suite 810  
McLean, VA. 22102  
(703) 883-0102

**APPLICANT'S REQUEST** Zoning map amendment from PD-OP (1993 Zoning Ordinance) to PD-OP (Revised 1993 Zoning Ordinance). Application accepted for review on May 8, 2009.

**LOCATION** Southeast corner of Waxpool Road and Loudoun County Parkway

**TAX MAP/PARCEL #** Tax Map 79 ((84)) Parcel C  
**MCPI #** 062-49-3798

**ZONING** PD-OP (Planned Development – Office Park)

**ACREAGE OF SITE** approximately 32 acres

### SURROUNDING ZONING/ LAND USES

	<b>ZONING</b>	<b>PRESENT LAND USES</b>
North	PD-OP (Office Park)	undeveloped / office
South	PD-OP (Office Park)	undeveloped
East	PD-OP (Office Park)	undeveloped
West	PD-OP (Office Park)	undeveloped

## II. SUMMARY OF DISCUSSION

Topic Area	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> <li>The proposal complies with the <u>Revised General Plan</u> land use policies, which support the conversion to the current zoning regulations. Status: no outstanding issues</li> </ul>
Zoning	<ul style="list-style-type: none"> <li>Approval of the application will permit the development of all permitted and accessory uses listed in the <u>Revised 1993 Zoning Ordinance</u> for PD-OP zoning districts. Status: no outstanding issues</li> <li>Applicant has made minor revisions to CDP in accordance with staff recommendations. Status: no outstanding issues</li> </ul>
Transportation	<ul style="list-style-type: none"> <li>Staff has developed a streamlined process for zoning conversions in the Route 28 Taxing District. In general, short-term and long-term intersection improvements are needed at the Waxpool Road / Loudoun County Parkway intersection to improve existing conditions. Status: no outstanding issues</li> </ul>
<p>Proffers – The applicant has submitted a draft proffer statement that is currently under County review. The applicant will be able to develop any permitted uses in the PD-OP zoning district on the subject site.</p>	

Applicable Policy or Ordinance Section
<u>Revised General Plan</u>
Chapter 4, Economic Development Policy 14
<u>Revised Countywide Transportation Plan</u> (CTP)
<u>Revised 1993 Zoning Ordinance</u> – PD-OP (Office Park) Section 4-300

### III. FINDINGS

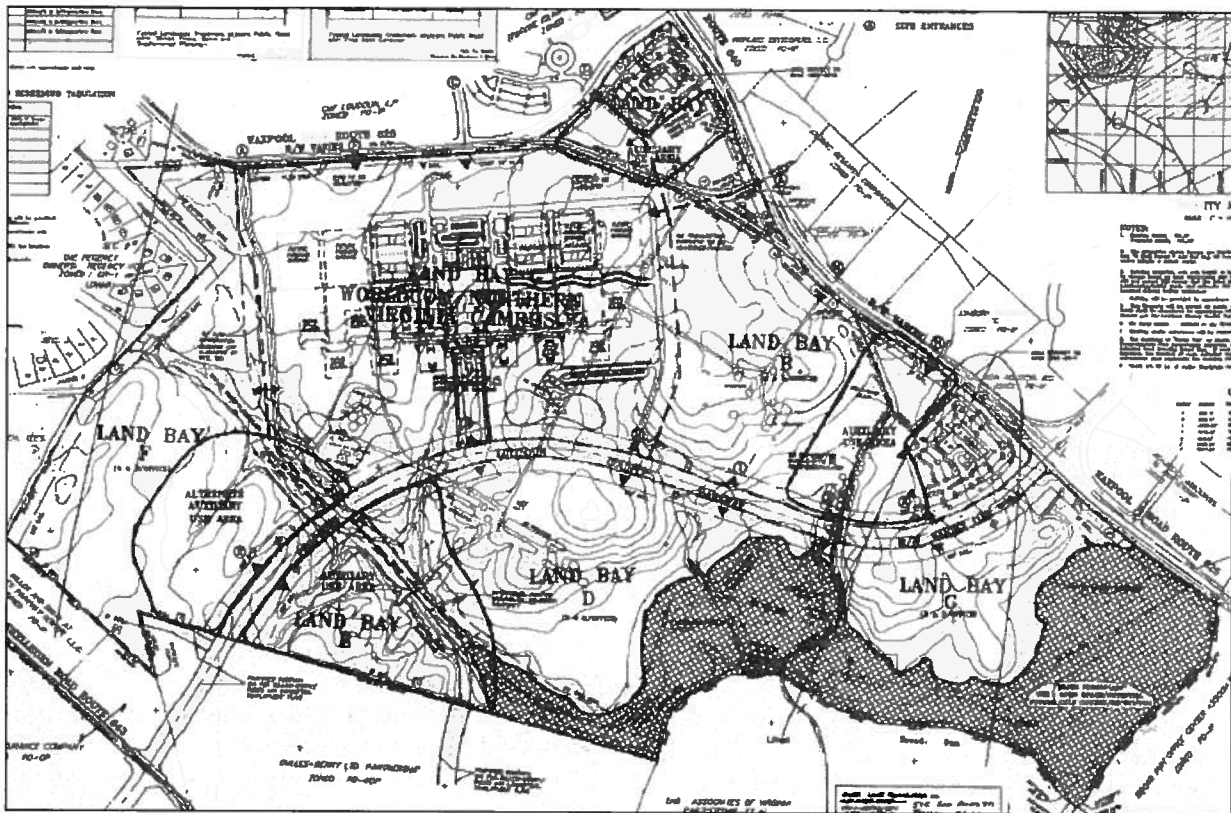
1. The conversion of this property to the Revised 1993 Zoning Ordinance would be more consistent with the land use policies contained in the Revised General Plan, which recommend the development of regional office, research and development uses and accessory commercial uses.
2. The application conforms to the policies contained in the Revised General Plan.
3. The proposed rezoning complies with the requirements of the Revised 1993 Zoning Ordinance.
4. The existing proffers approved under the WorldCom / Northern Virginia Campus application (ZMAP 1998-0003) will continue to apply to the property.

### IV. PROJECT REVIEW

#### A. Context

This is a request to rezone approximately 32 acres from the PD-OP (Planned Development – Office Park) zoning district under the provisions of the 1993 Zoning Ordinance to the PD-OP zoning regulations under the Revised 1993 Zoning Ordinance. The subject site is part of the WorldCom / Northern Virginia Campus (ZMAP 1998-0003), which was rezoned to a PD-OP designation on June 17, 1998. The approved WorldCom Campus is approximately 530 acres and is approved for the development of 7.4 million square feet of office, research and development, and accessory commercial uses (see approved concept plan next page).

The WorldCom site, which is now the Verizon Campus, is developed with approximately 1.9 million square feet of office; however, the majority of the original site remains undeveloped. The approved proffers for WorldCom required extensive road improvements, including the construction of Loudoun County Parkway, improvements to Waxpool Road, and numerous traffic signals when warranted. The proffers also require a regional road contribution of \$.50 per square foot of non WorldCom development, which will continue to apply to the subject property, if it is rezoned (see proffers A-35).



### APPROVED WORLDCOM CONCEPT PLAN

The 32-acre subject site is situated on the southeast corner of Waxpool Road and Loudoun County Parkway (see site photograph next page). It is in the Route 28 Taxing District. The purpose of the Tax District is to generate funds for large-scale transportation improvements, such as grade-separated interchanges in the District. Approval of the rezoning will allow the development of all principal and accessory uses permitted under the PD-OP regulations as contained in the Revised 1993 Zoning Ordinance. The applicant is requesting to convert the subject site to the Revised 1993 Zoning Ordinance in order to remain consistent with the adjacent property which is also part of the Fairway Park development.

On October 7, 2008, the Board of Supervisors adopted a streamlined review process to facilitate conversions to the most current zoning regulations. Staff notes that, on July 7, 2009, the Board of Supervisors will be considering a resolution that zoning conversion applications will not be expected to make additional transportation improvements / contributions over and above the increased taxes already provided by properties in the Route 28 Tax District (see A-22).

The properties to the east, south, and west are currently undeveloped and are also part of the WorldCom / Northern Virginia Campus property. The property to the north (across Waxpool Road) is located within Beaumeade Corporate Park and is undeveloped.



### **SUBJECT SITE**

#### **B. Summary of Outstanding Issues**

There are no outstanding staff issues with this application.

#### **C. Overall Analysis**

##### **COMPREHENSIVE PLAN**

The site is governed by the policies of the Revised General Plan. It is located within the Sterling Community in the Suburban Policy Area and is designated for Keynote Employment development.

The Revised General Plan provides policy direction encouraging property owners within the Route 28 Taxing District to convert from the 1993 Zoning Ordinance to the Revised 1993 Zoning Ordinance in order to provide consistent development patterns within the District. The Plan states that the County will look at incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance. The proposed



conversion to the most current zoning ordinance is appropriate for this Keynote Employment designation. There are no outstanding staff issues.

## ZONING

The applicant is requesting to rezone a total of approximately 32 acres from PD-OP (Office Park) under the 1993 Zoning Ordinance to PD-OP under the provisions of the Revised 1993 Zoning Ordinance. Initially, staff requested minor concept plan changes (update title block, vicinity map, and correct notes) and minor changes to the draft Proffers (correct dates). The applicant has submitted a revised Proffer Statement and Concept Plan incorporating all of the recommended changes. The Proffers are currently under County Attorney review. There are no outstanding staff issues.

## TRANSPORTATION

As part of the streamlined review process for zoning conversions in the Route 28 Tax District, the applicant has submitted a generalized traffic study that provides current and future conditions of major roads and intersections throughout the Tax District.

The subject site is located on the southeast corner of Waxpool Road and Loudoun County Parkway. Waxpool Road is a 6-lane, median divided, controlled access major collector road with turn lanes onto Loudoun County Parkway. In accordance with the Revised Countywide Transportation Plan, Waxpool Road is constructed to its ultimate section. Loudoun County Parkway is a 6-lane divided, controlled access minor arterial road from Waxpool Road to Shellhorn Road. In accordance with the CTP, Loudoun County Parkway is constructed to its ultimate section. Staff notes that short and long-term road improvements will be necessary in this area to improve unacceptable levels of service at this intersection (as described below).

The County will be receiving funds from the recently approved Federal Economic Stimulus for improvements to Waxpool Road west of Route 28. Improvements to the Waxpool Road / Loudoun County Parkway intersection will consist of:

- additional turn lanes;
- turn lane extensions;
- restriping; and
- traffic signal adjustments.

These short-term improvements will help improve traffic flow at this intersection.

The Board will need to determine whether an interchange study should be included for the Waxpool Road / Loudoun County Parkway intersection in the Revised Countywide Transportation Plan (CTP) as a long-term solution. The draft Plan is currently under Planning Commission review and will be sent to the Board in the fall.

#### **D. ZONING ORDINANCE CRITERIA FOR APPROVAL**

If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

Standard *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

Analysis The application is consistent with the Revised General Plan, which designates this area for Keynote Employment development.

Standard *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

Analysis The proposal would allow the development of any permitted and accessory uses listed in the Revised 1993 Zoning Ordinance for PD-OP districts. The surrounding properties to the south, east, and west can be developed with office and research and development uses. The property to the north can be developed with light Industrial and/or office uses.

Standard *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

Analysis There are existing public utilities and infrastructure that will serve the subject site.

Standard *The effect of the proposed rezoning on the County's ground water supply.*

Analysis No concerns have been identified regarding the groundwater supply. The site will be served by public water and sewer facilities.

Standard *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.*

Analysis No concerns have been identified regarding the structural capacity of the soils.

Standard *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

Analysis The subject site is currently zoned PD-OP under the provisions of the 1993 Zoning Ordinance. Approval of the application will allow the development of all permitted and accessory uses under a PD-OP (Office Park) designation in the Revised 1993 Zoning Ordinance.

Standard *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

Analysis A reasonably viable economic use of the property exists under the current PD-OP zoning designation.

Standard *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

Analysis The proposal will allow the development of all PD-OP uses under the Revised 1993 Zoning Ordinance.

Standard *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

Analysis Approval of the application will allow the development of all PD-OP uses under the Revised 1993 Zoning Ordinance.

Standard *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.*

Analysis Approval of the application will allow the development of all PD-OP uses.

Standard *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

Analysis Not applicable to this application.

**ZRTD 2009-0001, Fairway Park – Lot C-1**  
**PLANNING COMMISSION PUBLIC HEARING**  
**July 16, 2009**

<b>ATTACHMENTS</b>		<b>PAGE NUMBER</b>
1. Review Agency Comments		
a. Community Planning	5/21/09	A-1
b. Zoning Administration	6/03/09	A-3
c. Transportation	5/28/09	A-4
2. Disclosure of Real Parties in Interest / Reaffirmation		A-23
3. Applicant's responses		A-31
4. Proffer Statement		A-35
5. Concept Development Plan		Attached

**County of Loudoun**  
**Department of Planning**

**MEMORANDUM**

**DATE:** May 21, 2009

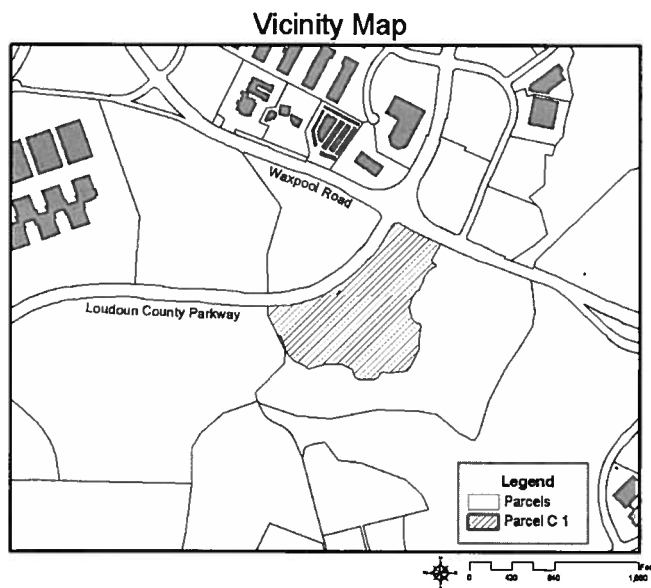
**TO:** Ginny Rowen, Project Manager  
Land Use Review

**FROM:** Kelly Williams, Planner  
Community Planning

**SUBJECT:** ZRTD 2009-0001, Fairway Park Lot C1

**BACKGROUND**

Fairway Park Lot C1, LLC, requests a Zoning Map Amendment to convert a parcel of approximately 32 acres from PD-OP (Planned Development – Office Park) under the 1993 Zoning Ordinance to PD-OP under the Revised 1993 Zoning Ordinance. The property is contained within the Route 28 Highway Improvement Transportation District (Route 28 Tax District).



The property is located at the southeast corner of the intersection of Loudoun County Parkway (Route 607) and Waxpool Road (Route 625). The property is surrounded on the west, south, and east, by properties zoned PD-OP. The properties to the north across Waxpool Road are zoned PD-IP (Planned Development- Industrial Park). Lot C1 of Fairway Park is subject to the proffers and Concept Plan associated with the WorldCom rezoning (ZMAP 1998-0003).

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The site is governed under the policies of the Revised General Plan, the Bicycle and Pedestrian Mobility Master Plan (BPMMP), the Countywide Transportation Plan (CTP), and the Eastern Loudoun Area Management Plan (ELAMP). Being newer than the ELAMP, the Revised General Plan supersedes the ELAMP when there is a policy

Attachment 1 A

A-1

conflict between the two (Revised General Plan, Relationship to Other County Planning Documents text, Chapter 1). The subject property is located in the Sterling Community of the Suburban Policy Area and is designated as a Keynote Employment Area.

#### **ANALYSIS & RECOMMENDATION**

The Revised General Plan provides policy direction encouraging property owners within the Route 28 Tax District to convert from the 1993 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance in order to provide consistent development patterns within the District. The Plan states: "The County will look at developing incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance" (Revised General Plan, Chapter 4, Economic Development Policy 14). As such, the proposed conversion to the most current Zoning Ordinance is appropriate. Staff supports the proposed conversion.

cc: Julie Pastor, AICP, Director, Department of Planning  
Cindy Keegan, AICP, Program Manager, Community Planning (via email)

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**ZONING ADMINISTRATION REFERRAL**



**DATE:** June 3, 2009

**TO:** Ginny Rowen,  
Project Manager, Department of Planning

**FROM:** Teresa H. Miller, CZO *THM*  
Planner, Zoning Administration

**THROUGH:** Marilee L. Seigfried, *MS* Deputy Zoning Administrator

**CASE NUMBER AND NAME:** ZRTD-2009-0001, Fairway Park Lot C1

**TAX MAP / PARCEL:** Tax Map - /79//84/////C/ MCPI - 062-49-3798

Staff has reviewed the above referenced rezoning (ZRTD) application. The associated parcels are zoned Planned Development – Office Park (PD-OP) under the 1993 Loudoun County Zoning Ordinance converting to PD-OP under the Revised 1993 Loudoun County Zoning Ordinance.

**ZONING COMMENTS:**

**A. Critical Issues**

No critical issues have been identified with this application.

**B. Other Issues**

1. The title needs to be updated to show the application number (ZRTD-2009-0001).
2. The vicinity map needs to be updated to show the Ldn60 and Ldn65 Airport Overlay.
3. Note 1 states the property is currently zoned PD-OP under the 1972 zoning ordinance. Please correct this note to state the property is currently under the 1993 zoning ordinance.
4. The contents of the Concept Development Plan must depict the requirements as set forth in Section 6-1508(A).

**County of Loudoun**  
**Office of Transportation Services**  
**MEMORANDUM**

DATE: May 28, 2009

TO: Ginny Rowen, Project Manager, Department of Planning

FROM: George Phillips, Senior Transportation Planner

SUBJECT: ZRTD 2009-0001, Fairway Park Lot C-1

Location: Southeast corner of the Waxpool Road (Route 625)/Loudoun County Parkway (Route 1950) intersection (Attachment 1)

**Background**

The applicant, Fairway Park Lot C1, LLC, is seeking a zoning map amendment to convert from the 1993 Zoning Ordinance PD-OP designation to the Revised 1993 Zoning Ordinance PD-OP uses on a 32.175 acre site. The applicant has provided a concept development plan, dated February 25, 2009, from Dewberry & Davis LLC, and a proffer statement dated April 6, 2009. The applicant has also provided traffic information as developed by Loudoun County for the Route 28 corridor, discusses the traffic impacts of different key land uses under the 1972 and 1993 Loudoun County Zoning Ordinances. This is included in Attachment 2.

**Trip Generation Information**

It is unclear from the application materials as to the specific amount of development being proposed. However, it is understood that the revised 1993 Zoning Ordinance allows up to 0.6 FAR which would yield 842,771 square feet of office from the proposed 32.175 acre site. Based on current ITE trip rates for general office, this would generate 1,032 a.m. peak hour, 1,023 p.m. peak hour and



6,886 daily vehicle trips. It is also understood that the existing 1993 Zoning Ordinance allows a 0.4 FAR which would yield 561,847 square feet of office uses for the proposed site. This would generate 746 a.m. peak hour, 708 p.m. peak hour and 5,039 daily vehicle trips. The proposed zoning use would represent an increase of 286 a.m. peak hour, 315 p.m. peak hour and 1,847 daily vehicle trips when compared to the existing use. However, please note that the proposed specific uses are not yet understood by OTS.

### **Existing, Planned & Programmed Roads**

The site is located at the southeast quadrant of two major roads:

**Loudoun County Parkway** is a controlled access, minor arterial which is constructed as a six-lane divided road between Waxpool Road and the Dulles Greenway. A traffic signal is in place at the Loudoun County Parkway/Waxpool Road intersection which includes separate turn lanes. There are no VDOT counts available for this road segment. However, the Gorove/Slade traffic study for the Kincora development, dated October 23, 2008, indicates approximately 47,000 daily vehicle trips on this road segment based on traffic count data from 2008. It also indicates that the Loudoun County Parkway/Waxpool Road intersection is currently operating at a failing (F) level-of-service with 339 seconds of average delay in the a.m. peak hour and 178 seconds of average delay in the p.m. peak hour. The Loudoun County traffic information for the Route 28 Corridor also indicates that the Loudoun County Parkway/Waxpool Road intersection is operating at a failing level-of-service (Attachment 2/Figure 3). The **Countywide Transportation Plan (CTP)** (Attachment 3) calls for the Loudoun County Parkway to be a controlled access, six-lane, divided arterial with a 120-foot right-of-way, a 50-mile per hour design speed, 900 foot median crossover spacing and turn lanes at all intersections. Bicycle accommodations must be considered in the design and may require additional right-of-way.

**Waxpool Road (Route 625)** is a six-lane, median divided, controlled access, major collector facility between Route 28 and the Loudoun County Parkway. It includes a grade separated interchange at Route 28 and turn lanes onto Loudoun County Parkway. Based on the latest available VDOT traffic count data from 2007, this road segment carries 52,000 annual average daily vehicle trips. The CTP calls for Waxpool Road to be a six-lane facility with turn lanes at all intersections. It is to include a 50 mph design speed and a minimum median crossover spacing of 700

feet. Bicycle accommodations must be considered in the design and may require additional right-of-way.

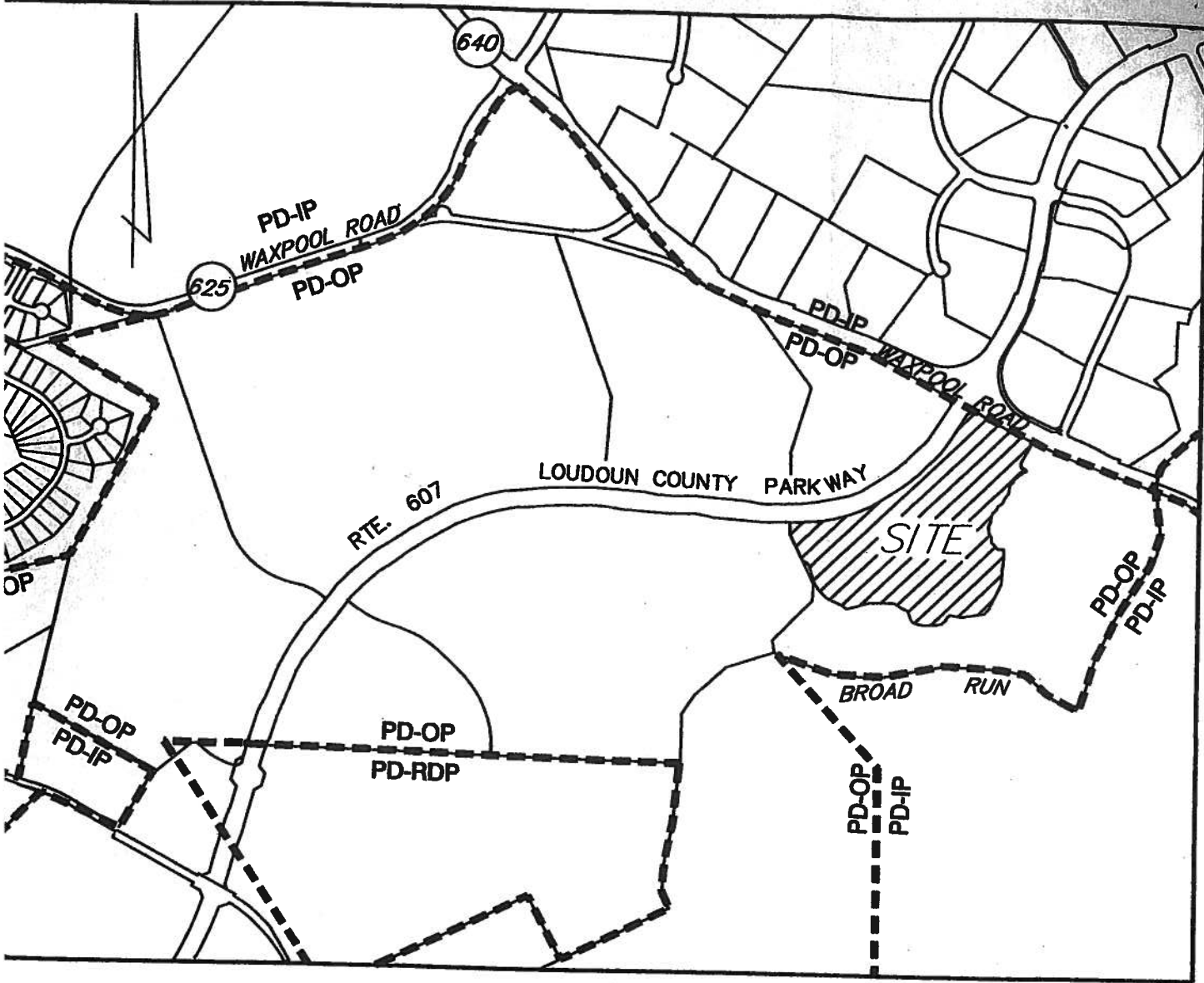
## **Transportation Comments**

1. The specific uses proposed with this application have not been detailed. OTS understands that these conversions typically don't involve a specified land use and that the Board wants to facilitate the conversions by not requiring detailed plans and studies. Therefore, OTS is not making specific observations and recommendations regarding traffic impacts for this proposed conversion.
2. The Loudoun County traffic information on page 7 (Attachment 2/Figure 3) notes that the Loudoun County Parkway/Waxpool Road signalized intersection is currently operating at a failing level-of-service during both the a.m. and p.m. weekday peak hours. OTS notes that short-term and long-term improvements are needed to improve the level-of-service at this intersection. The short-term improvements include adjusting the peak hour signal timings, adding an additional eastbound through lane on Waxpool Road and allowing a free-flow northbound right-turn movement. The longer term (2015) possibility is to provide a grade separated interchange. The recently approved Economic Stimulus funds for spot improvements to Waxpool Road west of Route 28 are to include improvements to the Waxpool Road/Loudoun County Parkway intersection including turn lane extensions, additional turn lanes, restriping and signal adjustments. These improvements will help improve traffic flow at this intersection. The Board will need to consider whether an interchange study should be included for the Waxpool Road/Loudoun County Parkway intersection in the Draft Countywide Transportation Plan (CTP) for the longer term. The draft CTP is currently under review by the Planning Commission and will be sent to the Board in September, 2009 for review and eventual adoption in December, 2009.
3. The applicant's concept development plan and draft proffers are general and cannot be evaluated for specific transportation related improvements. For example, it is unclear how many site entrances are proposed onto Waxpool Road and/or Loudoun County Parkway and where they would be located. It is also unclear what site specific transportation related improvements would be needed.

## **RECOMMENDATION**

Due to the general nature of this application, the Office of Transportation has no recommendation for this application.

GRP/D Drive/C Drive files/Fairway Park Lot C-1/ZRTD 2009-00001



VICINITY MAP

SCALE- 1" = 1,000'

ATTACHMENT |

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PII

## INTRODUCTION

The purpose of this report is to provide traffic information which will aide the Board of Supervisors in understanding the traffic situation in the Route 28 corridor as part of their review of proposed zoning conversions. This report provides information for major roads and intersections in the Route 28 corridor including road descriptions, levels-of-service at major intersections and daily traffic volumes on the major road links in the Route 28 corridor. This includes an existing condition and traffic counts and intersection levels-of-service projected to the year 2010.

In order to understand the traffic impacts of different land uses, a comparison of the trips generated between several key uses allowed under the 1972 and 1993 Loudoun County Zoning Ordinances is also provided. It is envisioned that this report would, in most cases, negate the need for individual traffic studies to be submitted for individual proposed zoning conversions, thus providing a more streamlined process.

## BACKGROUND INFORMATION

The PDIP district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.

PD-IP districts are generally located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district is no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district is allowed. Incremental additions demonstrate their relationship and compatibility with the previously approved district to which it is being added.

The PDOP district (Planned Development - Office Park) is established primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height, and careful attention to such aesthetic considerations as location and size of signs, lighting, parking and service areas and the like.

The PD-OP district shall be no less than five (5) acres and shall be located:

- 1) On arterial or collector roads.
- 2) In areas served by public water and sewer facilities.

- 3) In areas compatible with other commercial development.
- 4) As envisioned in the Comprehensive Plan.

Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-OP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

## ROADWAY NETWORK

A description of the existing roadway network within the vicinity of the PDIP district is presented below:

- **Route 7 (Harry Byrd Highway – from Cascade Parkway west to Algonkian Parkway)** is a six-lane, controlled access, median divided, principal arterial with grade-separated interchange at Cascade Parkway. Individual site access occurs along this section. The current posted speed limit on this road is 55 mph within the vicinity of the project site.
- **Route 7 (Harry Byrd Highway – from Algonkian Parkway west to Ashburn Village Boulevard)** is a six-lane, controlled access, median divided, principal arterial with grade separated interchanges at Algonkian Parkway/Atlantic Boulevard and Route 28. Left and right turn lanes are provided at all intersections. The current posted speed limit on this road is 55 mph within the vicinity of the project site.
- **Route 28 (Sully Road – from Route 625 north to Route 7)** is a six-lane, controlled access, median divided, principal arterial with grade-separated interchanges at Route 625 and Route 7. Left and right turn lanes are provided at all intersections. The current posted speed limit on this road is 55 mph within the vicinity of the project site.
- **Route 625 (Church Road – from Route 637 west to Ruritan Circle (west)/Davis Drive)** is a two to four-lane, local access, undivided, major collector with current posted speed limit of 35 mph within the vicinity of the project site.
- **Route 625 (Church Road – from Ruritan Circle (west)/Atlantic Boulevard west to Route 28)** is a four-lane, limited access, median divided, major collector with grade-separated interchange at Route 28. The road alignment was shifted north of the existing alignment to provide desirable interchange design. Left and right turn lanes are provided at its intersection with Atlantic Boulevard. The current posted speed limit on this road is 35 mph within the vicinity of the project site.
- **Route 625 (Waxpool Road – from Route 28 west to Pacific Boulevard)** is a six-lane, limited access, median divided, major collector with grade-separated interchange at Route 28. The road alignment was shifted north of the existing alignment to provide desirable interchange design. Left and right turn lanes are provided at its intersection with Pacific Boulevard. The current posted

speed limit on this road is 45 mph within the vicinity of the project site.

- **Route 625/Route 640 (Waxpool Road/Farmwell Road – from Pacific Boulevard west to Route 641)** is a four to six-lane, controlled access, median divided, major collector with left and right turn lanes at all intersections. The current posted speed limit on this road is 45 mph within the vicinity of the project site.
- **Route 28 East Collector Road (Atlantic Boulevard – from Route 625 north to Route 7)** is a four-lane, controlled access, median divided, major collector with grade-separated interchange at Route 7 with Algonkian Parkway. Left and right turn lanes are required at all intersections. The current posted speed limit on this road is 45 mph within the vicinity of the project site.
- **Route 28 East Collector Road (Davis Drive – south of Route 625)** is a four-lane, local access, undivided, major collector with left and right turn lanes at major intersections. The current posted speed limit on this road is 35 mph within the vicinity of the project site.
- **Route 28 West Collector Road (Pacific Boulevard – from Route 625 north to just south of W&OD trail crossing)** is a four-lane, controlled access, median divided, major collector with left and right turn lanes at all intersections. The current posted speed limit on this road is 35 mph within the vicinity of the project site.
- **Route 28 West Collector Road (Pacific Boulevard – from West Severn Way north approximately 700 feet)** is a four-lane, local access, undivided, minor collector with left and right turn lanes at major intersections.
- **Route 607 (Loudoun County Parkway – from Smith Switch Road south to Redskins Drive)** is a two-lane, local access, secondary road with 7-foot travel lanes. The current posted speed limit on this road is 25 mph within the vicinity of the project site. It should be noted that Route 607 was closed to vehicular traffic from Route 7 south to Smith Switch Road due to construction work along this section.
- **Route 607 (Loudoun County Parkway – from Redskins Drive south to Route 625)** is a four-lane, controlled access, median divided, minor arterial with left and right turn lanes at major intersections. The current posted speed limit on this road is 45 mph within the vicinity of the project site.
- **Route 607 (Loudoun County Parkway – south of Route 625)** is a six-lane, controlled access, median divided, minor arterial with left and right turn lanes at all intersections. The current posted speed limit on this road is 45 mph within the vicinity of the project site.
- **Route 637 (Potomac View Road – from Route 625 north to Cascade Parkway at Nokes Boulevard)** is a four-lane, controlled access, median divided, major collector with single left and right turn lanes at all intersections. The current posted speed limit on this road is 45 mph within the vicinity of the project site.

- **Route 638 Relocated (Nokes Boulevard – from Route 28 east to Route 637/Cascade Parkway at Potomac View Road)** is a four-lane, controlled access, median divided, major collector with left and right turn lanes at major intersections. The current posted speed limit on this road is 45 mph within the vicinity of the project site.
- **Route 636 (Shaw Road – from Route 625 to Route 606)** is a two-lane, local access, undivided, minor collector with left and right turn lanes at major intersections
- **Route 846 (Sterling Boulevard – from Route 28 to Route 7)** is a four-lane, local access, median divided, major collector with left and right turn lanes at all intersections.

Figures 1 shows the existing and planned (near future) roadway network surrounding the PD-IP district.

### **TRAFFIC VOLUMES AND LOS (EXISTING AND PROJECTED)**

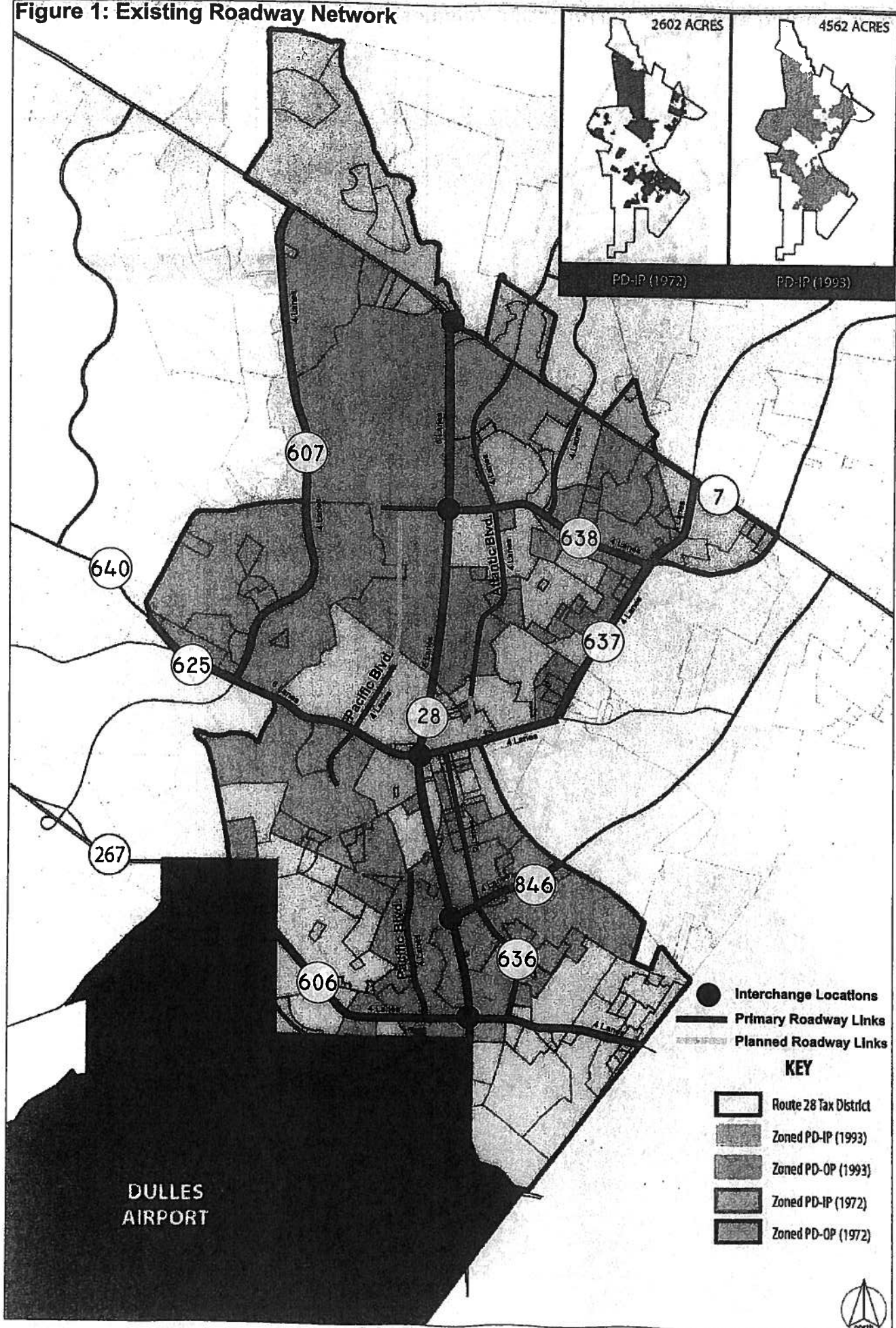
Traffic volume data was summarized for the existing conditions with the base year of 2006. The Virginia Department of Transportation (VDOT) provides count data on major roadway links for both hourly and daily 2-way volume estimates. The road link traffic volumes shown on Figure 2 are based on the latest available (2006) VDOT traffic counts data.

A number of traffic studies have been prepared for projects in this area and have been submitted and reviewed by the County and VDOT. These studies have included projections for future years based on approved developments and historical growth in traffic. These studies have been referenced to develop future year 2010 traffic volumes for the primary roadway links within the study area. Those 2010 daily and hourly two way link volumes are shown on the attached Figure 2.

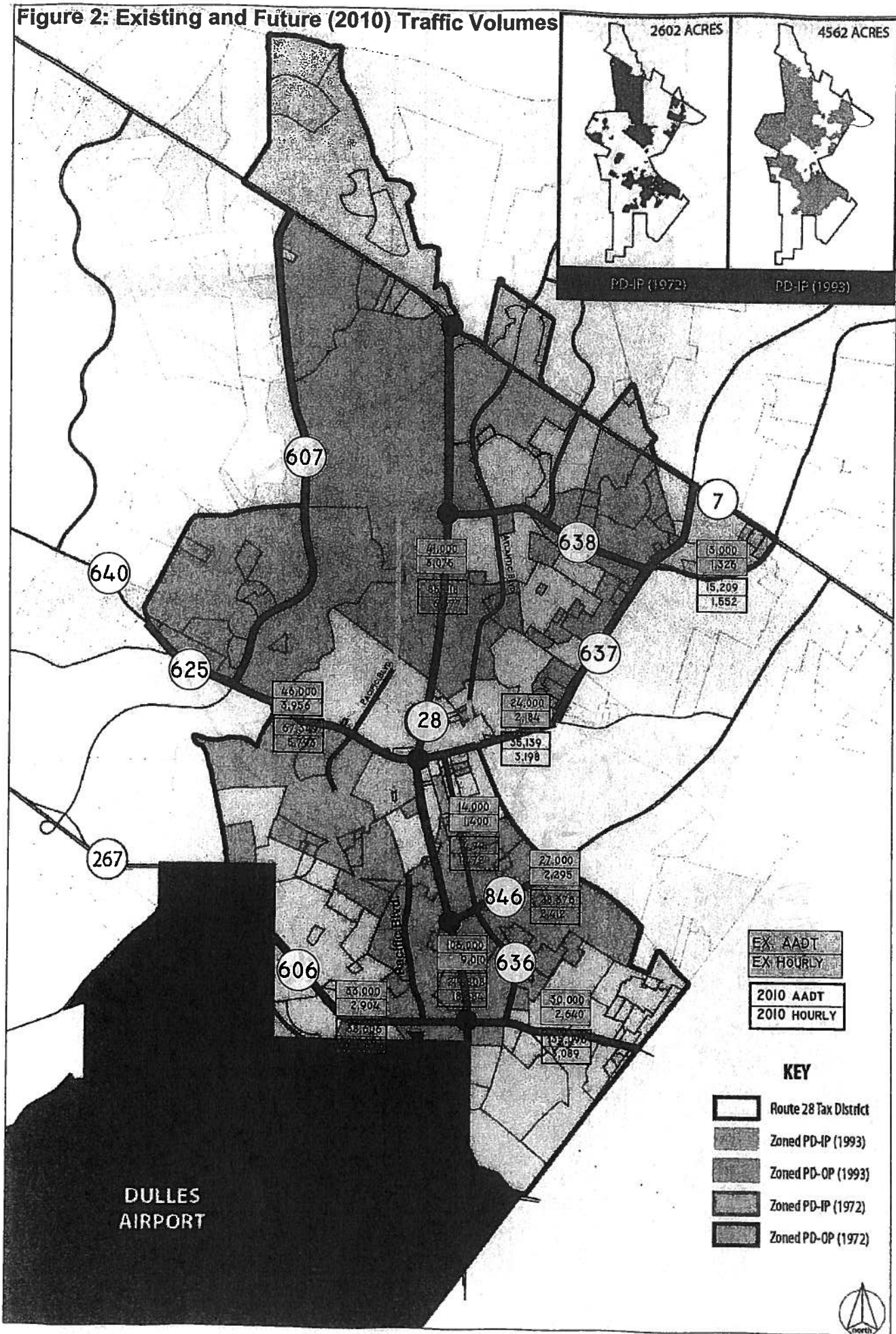
The traffic studies identified previously have also included information for both existing and future year levels of service. Levels of Service (ranging from A to F) represent an operational assessment of the intersections ability to accommodate the traffic demand. Level of Service A identifies an intersection has capacity in excess of demand. Level of Service E represents that an intersection has reached its capacity and cannot process any increase in demand. Level of Service F represents an intersection where demand is in excess of capacity. Level of Service data is provided on the attached Figure 3 for both the existing and 2010 conditions.



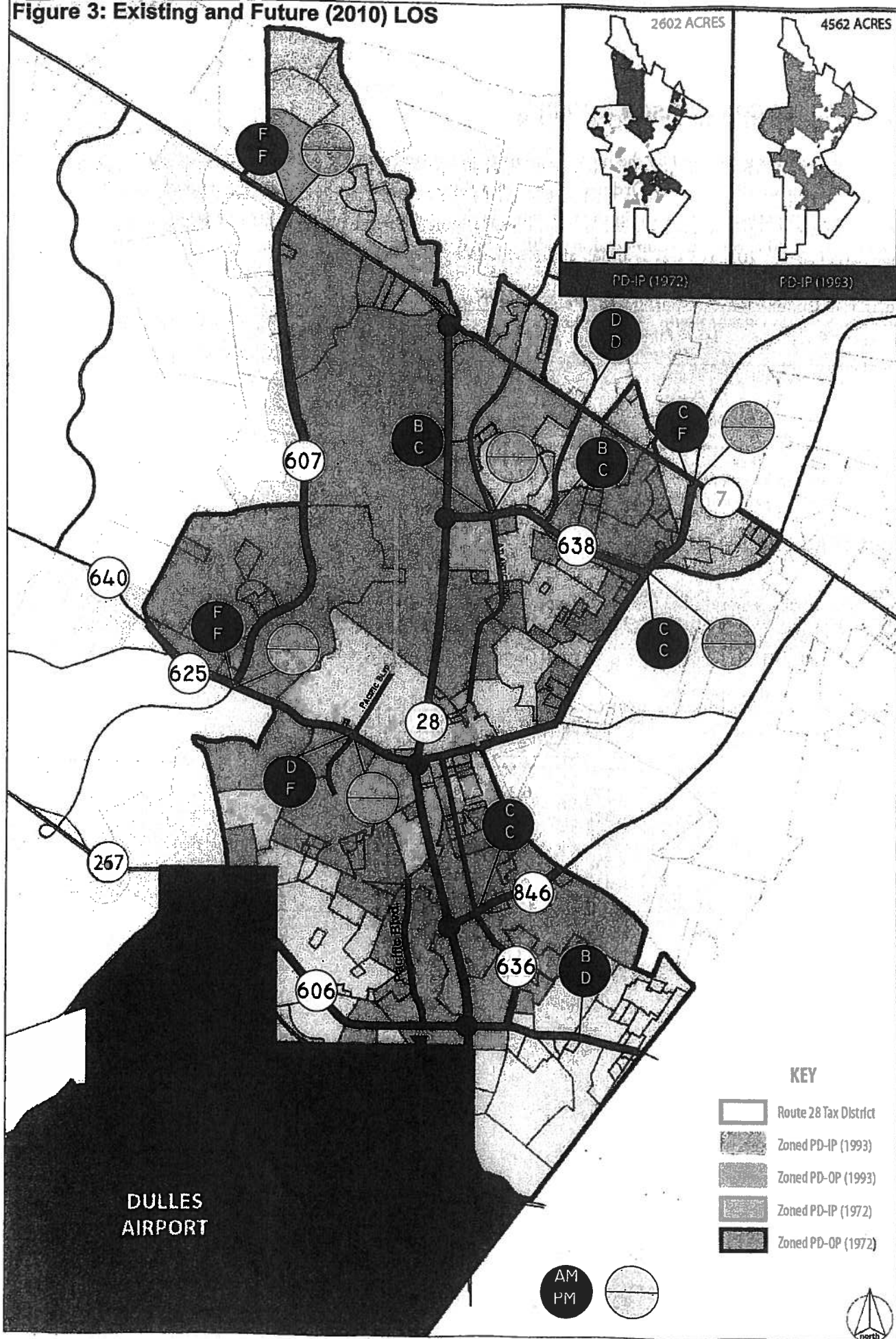
**Figure 1: Existing Roadway Network**



**Figure 2: Existing and Future (2010) Traffic Volumes**



**Figure 3: Existing and Future (2010) LOS**



## TRIP GENERATION COMPARISON – PD-IP

A comparison of the trips generated by the highest intensity permitted uses for PD-IP district based on the 1973 Zoning Ordinance, 1993 Zoning Ordinance and 1993 Revised Zoning Ordinance was conducted. The results of the comparison are shown in the following table. For the purposes of this analysis, an average parcel size of 20 acres was assumed along with an FAR of 0.4:

**Table 1: Trip Generation Comparison for Peak Hour Trips**

1972 PD-IP (A)	R1993 PD-IP (B)	1993 PD-IP (C)	(B) - (A)	(C) - (B)
Research and Development	Office	Post Office	143*	291**
	Office	Walk-in Bank		293^
	Office	Health and Fitness Center		92^^

\* 20 Acre Parcel – 0.4 FAR

\*\* 31,000 SF (Avg. Size for Post Office)

^ 5,000 SF (Avg. Size for Walk-in Bank)

^^ 36,000 SF (Avg. Size for Health and Fitness Center)

## TRAFFIC IMPACTS – PD-IP

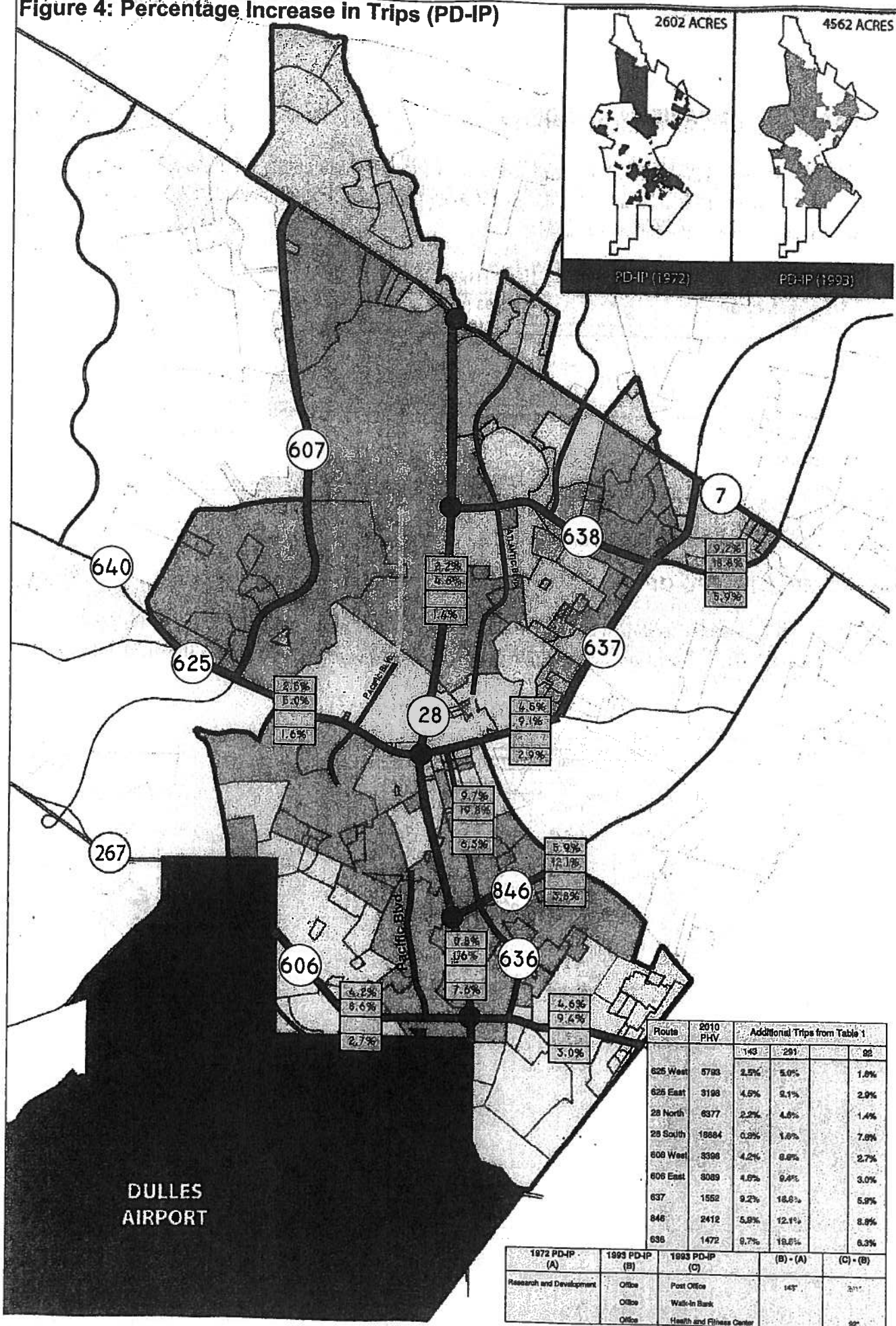
The additional trips generated as shown in Table 1 were applied to the projected traffic volumes for 2010 as shown in Figure 2. The percentage increase in trips on the selected roadway network is shown in Table 2 below and graphically in Figure 4.

**Table 2: Impacts of Additional Trips**

Route	2010 PHV	Additional Trips from Table 1			
		143	291	203	92
625 West	5793	2.5%	5.0%	3.5%	1.6%
625 East	3198	4.5%	9.1%	6.3%	2.9%
28 North	6377	2.2%	4.6%	3.2%	1.4%
28 South	18,684	0.8%	1.6%	1.6%	7.6%
606 West	3398	4.2%	8.6%	6.0%	2.7%
606 East	3089	4.6%	9.4%	6.6%	3.0%
637	1552	9.2%	18.8%	13.1%	5.9%
846	2412	5.9%	12.1%	8.4%	3.8%
636	1472	9.7%	19.8%	13.8%	6.3%



Figure 4: Percentage Increase in Trips (PD-IP)



## TRIP GENERATION COMPARISON – PD-OP

A comparison of the trips generated by the permitted uses for PD-OP based on the 1973 Zoning Ordinance, 1993 Zoning Ordinance and 1993 Revised Zoning Ordinance was conducted. The results of the comparison are shown in the following table:

**Table 3: Trip Generation Comparison for Peak Hour Trips**

1972 & 1993 PD-OP (A)	R1993 PD-OP (B)	(B) - (A)
Office	Drive-in Bank	177^
	Health & Fitness Center	92^^
	Medical & Dental Office	777*
1972 & 1993 PD-OP (A)	R1993 PD-OP (B)	(B) - (A)
Office (0.4 FAR)	Office (0.6 FAR)	271*

\* 20 Acre Parcel – 0.4 FAR

^ 4,000 SF (Avg. Size for Drive-in Bank)

^^ 36,000 SF (Avg. Size for Health and Fitness Center)

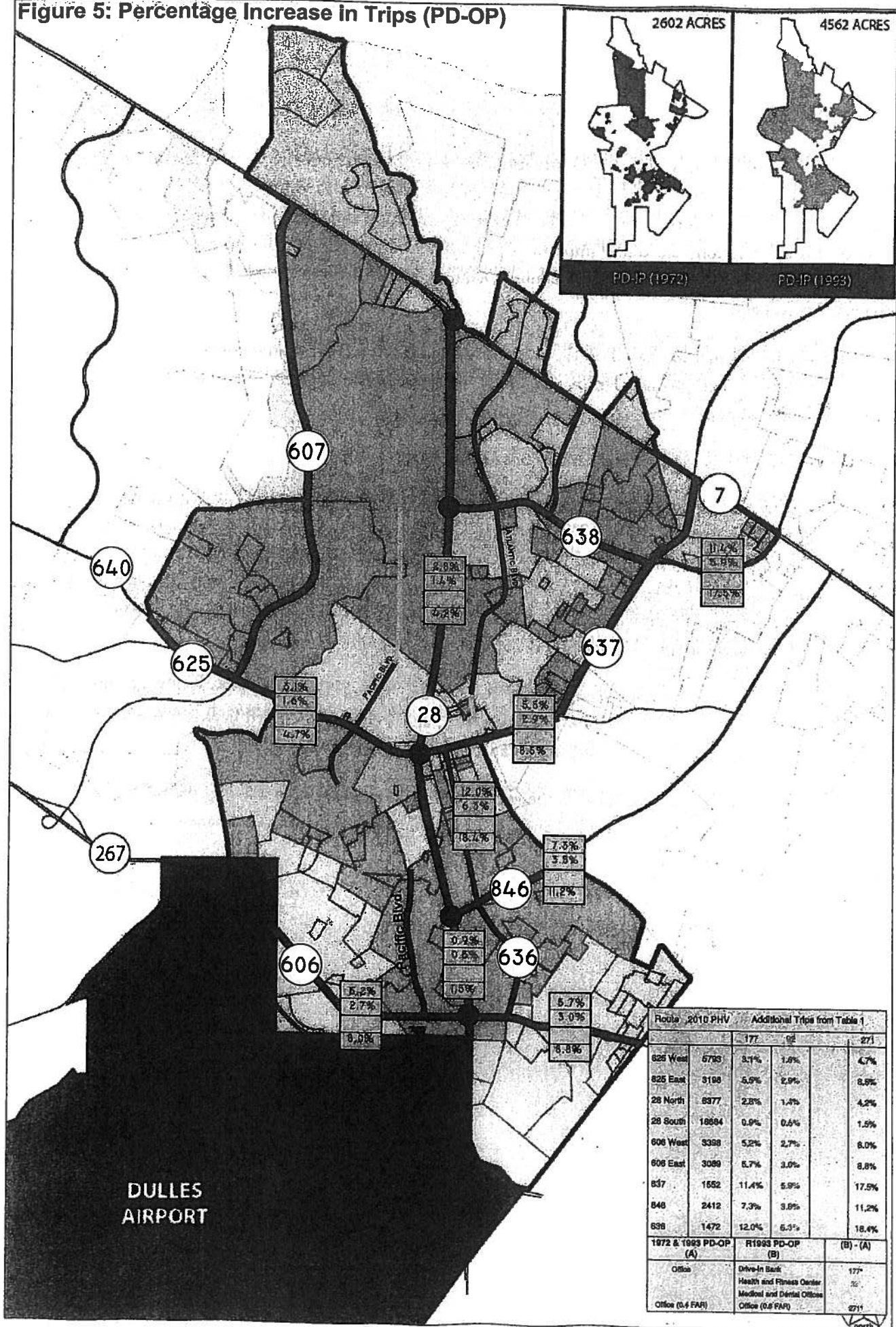
## TRAFFIC IMPACTS – PD-OP

The additional trips generated as shown in Table 1 were applied to the projected traffic volumes for 2010 as shown in Figure 2. The percentage increase in trips on the selected roadway network is shown in Table 4 below and graphically in Figure 5.

**Table 4: Impacts of Additional Trips**

Route	2010 PHV	Additional Trips from Table 3			
		177	92	777	271
625 West	5793	3.1%	1.6%	13.4%	4.7%
625 East	3198	5.5%	2.9%	24.3%	8.5%
28 North	6377	2.8%	1.4%	12.2%	4.2%
28 South	18,684	0.9%	0.5%	4.2%	1.5%
606 West	3398	5.2%	2.7%	22.9%	8.0%
606 East	3089	5.7%	3.0%	25.2%	8.8%
637	1552	11.4%	5.9%	50.1%	17.5%
846	2412	7.3%	3.8%	32.2%	11.2%
636	1472	12.0%	6.3%	52.8%	18.4%

Figure 5: Percentage Increase in Trips (PD-OP)



## CONCLUSIONS

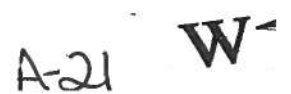
This report provides a summary of traffic information for major road facilities in the vicinity of the PD-IP district adjacent to the Route 28 corridor. The report includes daily traffic on major road links and LOS information at major intersections. This includes an existing condition and traffic data projected to the year 2010. With this information, the traffic impacts of proposed land use changes due to zoning conversions from the 1972 to the 1993 Loudoun County Zoning Ordinances will aide the Board of Supervisors in their decision making process.

The road link traffic volumes are based on the latest available (2006) VDOT traffic count data. The levels-of-service information was obtained from the latest available traffic studies completed for proposed developments in the vicinity.

Based on the report information, several conclusions are in order:

- The segments of Route 28 south of Route 625, Route 625 west of Route 28, Route 7 in the vicinity of Potomac View Road and Potomac View Road (2 lanes) between Route 7 and Route 637 (Cascades Parkway) are carrying large traffic volumes in the study area. In addition, the existing and projected levels of service at the Route 625/Pacific Boulevard, the Route 625/Loudoun County Parkway and Route 7/Route 637 intersections are shown to fail at LOS F. Therefore, the proposed site traffic which would access these road segments should be understood and reviewed carefully.
- The segments of Route 28 between Route 7 and Route 625, Nokes Boulevard between Route 28 and Route 637, Shaw Road between Route 606 and Route 625, and Sterling Boulevard between Route 28 and the W & OD Trail boundary appear to have more capacity.
- The trip generation information included in the report will be helpful in understanding the relative traffic impacts of key land uses included in the 1972 and 1993 Loudoun County Zoning Ordinance.





**DRAFT**

**Policy Resolution Regarding Transportation Proffers for Zoning Conversion Applications**

WHEREAS, the Loudoun County Board of Supervisors encourages properties in the Route 28 Tax District to “convert” from administration under the 1972 or 1993 Zoning Ordinances to the Revised 1993 Zoning Ordinance; and

WHEREAS, the Revised General Plan states that “The County will look at developing incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance;” and

WHEREAS, landowners in the Tax District pay an additional assessment on their properties and improvements to fund transportation improvements along Route 28; and

WHEREAS, the contributions by the Tax District to the road improvements have far exceeded expectations, so that Route 28 should be fully limited-access in Loudoun County by 2010; and

WHEREAS, the Board of Supervisors recognizes that converting to the revised zoning ordinance creates additional value for properties and increases the properties’ contributions to the Tax District; and

WHEREAS, at certain times during the review of zoning conversion applications, applicants have been requested to provide transportation improvements, and that negotiations over these requests have delayed the applicants’ anticipated timing for approval; and

WHEREAS, the Board of Supervisors wants to remove any potential impediments to a conversion application;

NOW, THEREFORE, BE IT RESOLVED, that the Loudoun County Board of Supervisors establishes a policy that zoning conversion applicants should not be requested to provide transportation improvements as a part of a strict zoning conversion application; and

BE IT FURTHER RESOLVED, that the Board of Supervisors will forward this resolution and policy statement to the Planning Commission for consideration during its review of zoning conversion applications; and

BE IT FURTHER RESOLVED, that the Board of Supervisors recommends that, to facilitate zoning conversion applications and should all staff issues be addressed, the Planning Commission take action on a zoning conversion application at its public hearing in order to facilitate the double-advertisement and quick disposition of such cases.

**Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.**

**REAFFIRMATION OF AFFIDAVIT**

In reference to the Affidavit dated MARCH 2, 2009 for the Application of  
(enter date of affidavit)

\_\_\_\_\_  
(enter name(s) of Applicant(s))

in Application Number(s): ZRTD 2009-0001  
(enter Application number(s))

I, Keith C. Martin, do hereby state that I am an

(check one) ☐ Applicant (must be listed in Paragraph B of the above-described affidavit)  
☒ Applicant's Authorized Agent (must be listed in Paragraph B of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one) ☒ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of JUNE 17, 2009 (today's date); or  
☐ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

- ☐ Paragraph C-1
- ☐ Paragraph C-2
- ☐ Paragraph C-3
- ☐ Paragraph C-4(a)
- ☐ Paragraph C-4(b)
- ☐ Paragraph C-4(c)

WITNESS the following signature: \_\_\_\_\_

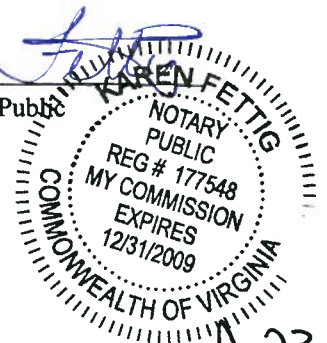
(check one) ☐ Applicant ☒ Applicant's Authorized Agent

Keith C. Martin  
(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 17th day of June, 2009  
in the State/Commonwealth of Virginia, County/City of Fairfax

My Commission expires: 12-31-09

Notary Public



I, Keith C. Martin, do hereby state that I am an  
\_\_\_\_ Applicant

☒ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): \_\_\_\_\_

and that to the best of my knowledge and belief, the following information is true:

**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS**

**1. REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application\* and if any of the forgoing is a **TRUSTEE\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<b>PIN</b>	<b>NAME</b> (First, M.I., Last)	<b>ADDRESS</b> (Street, City, State, Zip Code)	<b>RELATIONSHIP</b> (Listed in bold above)
062-49-3798	Fairway Park Lot C1, LLC	1 Columbus Plaza New Haven CT 06510	<b>APPLICANT/ OWNER</b>
	SACK HARRIS MARTIN P.C.	8270 Greengrove Dr. McLean VA 22102	<b>ATTORNEYS</b>
	Dewberry & Davis LLC	1503 Edwards Ferry Rd Leesburg VA 20176	<b>Engineers</b>

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

\_\_\_\_ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

**FAIRWAY PARK LOT C1, LLC**  
**1 Columbus PLAZA NEW HAVEN, CT 06510**

### Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

### Names of Shareholders:

<b>SHAREHOLDER NAME</b> (First, M.I., Last)	<b>SHAREHOLDER NAME</b> (First, M.I., Last)
<b>Knights of Columbus - Sole member</b>	
<b>manager</b>	

### Names of Officers and Directors:

<b>NAME</b> (First, M.I., Last)	<b>Title</b> (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

**2. CORPORATION INFORMATION** (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

Knights of Columbus

1 Columbus Plaza, New Haven, CT 01650

**Description of Corporation:**

\_\_\_\_\_ *There are 100 or fewer shareholders and all shareholders are listed below.*

\_\_\_\_\_ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

\_\_\_\_\_ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

\_\_\_\_\_ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

**Names of Shareholders:**

<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>	<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>

**Names of Officers and Directors:**

<b>NAME</b> <b>(First, M.I., Last)</b>	<b>Title</b> <b>(e.g. President, Treasurer)</b>
Carl A. Anderson	Supreme Knight
Bishop William E. Lori, S.T.D.	Supreme Chaplain
Dennis Savoie	Deputy Supreme Knight
Donald R. Kehoe	Supreme Secretary
John W. "Jack" O'Reilly Jr.	Supreme Treasurer
John Marrella	Supreme Advocate

Check if applicable:

\_\_\_\_\_ There is additional Corporation Information. See Attachment to Paragraph C-2.

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

SACK HARRIS MARTIN P.C.

8270 GREENSBORO DR. #810 MCLEAN, VA 22102

**Description of Corporation:**

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

**Names of Shareholders:**

<b>SHAREHOLDER NAME</b> (First, M.I., Last)	<b>SHAREHOLDER NAME</b> (First, M.I., Last)
JAMES M. SACK	
ROBERT A. HARRIS IV	
KEITH C. MARTIN	

**Names of Officers and Directors:**

<b>NAME</b> (First, M.I., Last)	<b>Title</b> (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

Dewberry & Davis LLC

### Description of Corporation:

X There are 100 or fewer shareholders and all shareholders are listed below.

\_\_\_ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

\_\_\_ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

\_\_\_ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

**Names of Shareholders:** The majority member of Dewberry & Davis LLC is The Dewberry Companies LC (99.9997%). The individual members of The Dewberry Companies LC are:

<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>	<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>
Sidney O. Dewberry	Michael Sidney Dewberry
Barry K. Dewberry	Thomas L. Dewberry
Karen S. Grand Pre	

**Names of Officers and Directors:** The following is a list of the Board of Managers of Dewberry & Davis LLC (this entity is manager-managed):

<b>NAME</b> <b>(First, M.I., Last)</b>	<b>Title</b> <b>(e.g. President, Treasurer)</b>
Sidney O. Dewberry	Chairman of the Board
Barry K. Dewberry	Manager
Ronald L. Ewing	Manager



#### 4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state). *NONE*

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state). *NONE*

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(c).

**D. COMPLETENESS**

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

check one: [ ] Applicant or [☒] Applicant's Authorized Agent

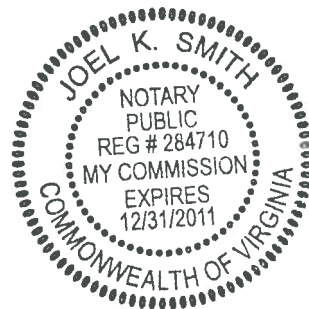
Keith C. Martin, Agent

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 2nd day of March, 2009, in the State/Commonwealth of VA, in the County/City of Prince George's.

Joel K. Smith  
Notary Public

My Commission Expires: 12/31/2011



SACK HARRIS & MARTIN, P.C.  
ATTORNEYS AT LAW

SUITE 810  
8270 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22102  
TELEPHONE (703) 883-0102  
FACSIMILE (703) 883-0108



June 8, 2009

Ms. Ginny Rowen, Planner  
Department of Planning  
County of Loudoun  
1 Harrison Street, S.E., #300  
Leesburg, VA 20175

RE: ZRTD 2009-0001, Fairway Park Lot C1

Dear Ms. Rowen:

Thank you for providing copies of the comments submitted by the referral agencies with regard to the above referenced application. We have prepared responses, in table format, which may be found in the attached document entitled "Comment Responses" and dated June 8, 2009.

Our resubmission includes a Revised Concept Plan (7 copies), along with the "Comment Responses" and revised proffers.

If you should need any additional information or copies, please do not hesitate to contact me.

Sincerely,

SACK HARRIS & MARTIN, P.C.

Keith C. Martin

Enclosures, as stated

Attachment 3

A-31

ZRTD 2009-0001  
 FAIRWAY PARK LOT C1

COMMENT RESPONSES  
 June 8, 2009

COMMENT	RESPONSE
<b>Community Planning – March 4, 2008</b>	
The <u>Revised General Plan</u> provides policy direction encouraging property owners within the Route 28 Tax District to convert from the <u>1993 Zoning Ordinance</u> to the <u>Revised 1993 Loudoun County Zoning Ordinance</u> in order to provide consistent development patterns within the District. The Plan states: “The County will look at developing incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance” ( <u>Revised General Plan</u> , Chapter 4, Economic Development Policy 14). As such, the proposed conversion to the most current Zoning Ordinance is appropriate. Staff supports the proposed conversion.	Acknowledged.
<b>Zoning Administration – June 3, 2009</b>	
<b>Critical Issues</b> 1. No critical issues have been identified with this application.	Acknowledged.
<b>Other Issues</b> 1. The title needs to be updated to show the application number (ZRTD-2009-0001).	Plan Revised.
2. The vicinity map needs to be updated to show the Ldn60 and Ldn65 Airport Overlay.	Plan Revised

3. Note 1 states the property is currently zoned PD-OP under the 1972 zoning ordinance. Please correct this note to state the property is currently under the 1993 zoning ordinance.	Note Revised.
4. The contents of the Concept Development Plan must depict the requirements as set forth in Section 6-1508(A).	Requirements depicted.
<b>VDOT – June 4, 2009</b>	
1. As stated in our October 13, 2006, January 11, 2007, and February 9, 2007 comments on SBWV 2006-0072, because of the crossover locations already established on Loudoun County Parkway and the questionable status of the former prescriptive easement, the Old Normans Station Road right of way does not provide suitable access to parcel C2. If either parcel C1 or the adjacent southerly parcel D allowed parcel C2 to share their entrance (via an easement), that would solve the problem.	Acknowledged.
<b>OTS – May 28, 2009</b>	
1. Please clarify what specific uses are being proposed with this application. This will help OTS better understand the traffic impacts of the proposed uses to the adjacent road network and recommendations to address traffic issues.	The specific uses will be determined at time of site plan.
2. The October 23, 2008 Gorove/Slade traffic study for Kincora notes that the Loudoun County Parkway/Waxpool Road signalized intersection is currently operating at a failing level-of-service during both the a.m. and p.m. weekday peak hours. It also notes that short term and long term improvements are needed to	The additional east bound lane is addressed in the current proffers. Signal timing is a VDOT issue. Any r/w and/or easements for a future interchange are not addressed in the current proffers.

<p>improve the level-of-service at this intersection. The short term improvements include adjusting the peak hour signal timings, adding an additional east bound through lanes on Waxpool Road and allowing a free-flow northbound right turn movement. The longer term (2015) recommendation is to provide a grade separated interchange. These other potential improvements will need further discussion once the specific traffic impacts of the proposed application are clearly understood.</p>	
<p>3. The applicant's concept development plan and draft proffers are general and vague. For example, it is unclear how many site entrances are proposed onto Waxpool Road and the Loudoun County Parkway from the concept development plan. It is also unclear what transportation related improvements will be provided. Please clarify.</p>	<p>The entrance locations will be determined at site plan in accordance with County and VDOT regulations.</p>

PROFFER STATEMENT  
FAIRWAY PARK LOT C1  
ZRTD 2009-0001  
June 26, 2009

Fairway Park Lot C1, LLC, the Owner of the property described as Parcel C1 (PN#062-49-3798) on Loudoun County Tax Map 79((84))C, (the "Applicant"), on behalf of themselves and their successors in interest, hereby voluntarily proffer that in the event that the above referenced Parcel C1 is rezoned by the Loudoun County Board of Supervisors (herein after referred to as "the County") to the Planned Development Office Park zoning district, as substantially set forth in the Concept Development Plan dated February 25, 2009, revised through June 26, 2009, and further described in its ZRTD 2009-0001, the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the CODE OF VIRGINIA (1950) as amended. These proffer conditions are the only conditions offered on this conversion and the prior proffers and conditions applicable to the Property, approved with ZMAP 1998-0003 and SPEX 1998-0020 dated June 17, 1998 are hereby reaffirmed provided that these proffers shall become effective only upon final approval of the Zoning Map Amendment application ZRTD 2009-0001 submitted by the Applicant.

1. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformance with Sheet 1 and any matters shown on any other sheets that are referenced on Sheet 1, of the plan not entitled "Fairway Park Lot C1, LLC ZMAP/ZRTD 2009" dated February 25, 2009, revised through June 4, 2009, prepared by Dewberry & Davis, LLC and incorporated herein by reference as Exhibit A. The sheet is more specifically identified as Sheet 1 – "Concept Development Plat" (1"-100'). Sheet 1, and any matters shown on any other sheets that are referenced on Sheet 1, shall control the general development, layout and configuration of the Property, provided that all requirements of the PD-OP zoning district of the Revised 1993 Zoning Ordinance must be met and will take precedence over the Concept Development Plan.



The undersigned hereby warrants that all the owners of a legal interest of the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly with the other owners attaching their signatures hereto, and that the foregoing proffers are entered into voluntarily.

FAIRWAY PARK LOT C1, LLC by

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public